



December 14, 2016

The Honorable Mignon Clyburn
Commissioner
Federal Communications Commission
445 12th Street SW
Washington DC 20554
Via Electronic Mail and ECFS

Re: MB Docket No. 14-90

Dear Commissioner Clyburn:

The National Association of Broadcasters (NAB) reviewed with interest your recent blog concerning consumer access to local stations via direct broadcast satellite (DBS) service in the U.S. Virgin Islands.¹ There, DISH Network LLC is offering PBS programming from Puerto Rico instead of the local PBS affiliate, WTJX-TV, which has been in operation locally for more than 40 years.² As you observed, when satellite carriers do not offer subscribers their local television stations, those subscribers “miss[] out on the high-quality local programming that broadcasters are required to provide in their communities of license.”³

Unfortunately, subscribers’ lack of access to local content on DBS is not limited to the Virgin Islands, or to geographic areas that aren’t defined by Nielsen Designated Market Area (DMA). Incredibly, more than 13 years after committing to offer local-into-local service in all 210 DMAs “as early as 2006 and no later than 2008,”⁴ DirecTV still does not offer local stations to its subscribers in 11 DMAs.⁵ As a result, subscribers in all of these markets miss

¹ The Honorable Mignon Clyburn, FCC Blog, *Upholding the Value of Broadcast Localism in the Virgin Islands*, November 21, 2016.

² *Id.*

³ *Id.*

⁴ *General Motors Corp. and Hughes Electronics Corp., Transferors, and the News Corporation, Transferee*, MB Docket No. 03-124, Memorandum Opinion and Order, 19 FCC Rcd 473 ¶ 332 (2004) (“News Corp.-Hughes Order”), *citing* Letter from William M. Wiltshire, Counsel for News Corp., *et al.*, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 03-124 (Sept. 22, 2003) at 3.

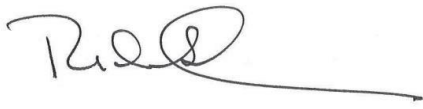
⁵ The affected DMAs are: Bowling Green, KY; Grand Junction-Montrose, CO; Casper-Riverton, WY; Cheyenne-Scottsbluff, WY-NE; Ottumwa-Kirkville, IA-MO; Victoria, TX; Helena, MT; Presque Isle, ME; Alpena, MI; North Platte, NE; and Glendive, MT.

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out on programming aired by local stations, including local news, local weather, public affairs, and life-saving emergency programming specifically geared to their communities.

NAB urged the Commission to require DirecTV to offer local-into-local service as a condition of its recent merger with AT&T, observing that this would promote the FCC's longstanding localism goals and help counterbalance the potential harms to competition and diversity resulting from the elimination of one MVPD in dozens of markets.⁶ With AT&T-DirecTV poised for yet another acquisition, NAB joins you in urging the "powers that be" to revisit the issue of DBS subscribers' continued lack of access to their local stations.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rick Kaplan", with a long horizontal flourish extending to the right.

Rick Kaplan
General Counsel and Executive Vice President
Legal and Regulatory Affairs
National Association of Broadcasters

⁶ Comments of NAB in MB Docket No. 14-90 at 7-8 (Sept. 9, 2014); Reply Comments of NAB in MB Docket No. 14-90 (Jan. 7, 2015).